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# THE JOURNAL.

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Always Read It.

PAGES 9 TO 16.

WEDNESDAY, APRIL 8, 1896.—SIXTEEN PAGES.

PAGES 9 TO 16.

## PRISONER FOR DEBT SEES HIS DYING WIFE.

The Journal Pays a Judgment That Kept Louis Shablowsky in Jail.

The Man Is Hardworking and His Wife Suffers from an Incurable Disease.

SHE FAINTS AT THEIR MEETING.

A Newfoundland Dog That Ran Away the Cause of the Judgment for \$66 the Man Was Unable to Pay—He Goes to Work To-day.

Louis Shablowsky, a hard-working, sober housekeeper, had been confined in Ludlow Street Jail since February 7 because he could not satisfy a civil judgment of \$66.50 and costs amounting to \$8.23, while his wife lay dying of cancer and starvation in a poor third-floor tenement, at No. 93 Allen street. The Journal paid the judgment yesterday, and tears of gratitude stood in the dying woman's eyes as she put her arms around her husband and vowed that she would not again permit him to leave her sight.

Daily and hourly Shablowsky had peered his cell at Ludlow Street Jail, expecting news of his wife's death. He did not dare to hope that he should again see her. He broke down and wept like a child when the jailer told him that he was free. His big, hard hands trembled so that he could hardly tie up the mean newspaper bundle of his pitifully scant effects. There were tears in the eyes of the keepers as they helped him, for they knew the circumstances of his case and that confinement had been unrelenting mental torment.

She fainted in his arms. Though weak from sleepless nights, Shablowsky walked like an athlete to the tenement he called home, and mounted the two flights of stairs two steps at a time. In his wife's condition it would have been better to have prepared her for his homecoming, but he was not to be restrained. Like a crazy man he burst into the room. She uttered an inarticulate cry. He hurried to the bedside, and she swooned in his arms.

First he thought that death had come, and started back, horrified, from the embrace of the woman's thin arms. But she stirred, and a pale smile lighted her parchment-like face. Quickly a neighbor gave her a teaspoonful of port wine, supplied by the kindness of Warden Roe, and with reviving consciousness she muttered: "Louis! My own, good man, come back to me!" Then the neighbors, with intuitive kindness, withdrew, and left them together in an embrace that at best must be of short duration.

Louis Shablowsky speaks good English, and came to this country seventeen years ago from a little town not far from Hamburg, Germany. His wife, Louisa, came from the same village, and they were married and came to this country to better their condition. No children blessed their union, but it seemed to those who knew them that the Shablowskys made up in love for each other for the absence of opportunity for display of parental affection. Shablowsky was always sober and industrious.

"I have known him for ten years," said John Telschot, his employer, yesterday, "and I never knew a more honest man, or one for whom I had more respect."

Three years ago Mrs. Shablowsky became a victim of the incurable disease that afflicts her. The Shablowsky's savings of years disappeared in a vain endeavor to cure the cancer. Operations prolonged her life, but no real good was accomplished. She grew thinner and paler, but until three weeks ago did not take to her bed, and was able to keep their little home scrupulously neat.

Shablowsky, at the request of Antonio Marshall, agreed three months ago to take and keep a dog that was the property of Marshall. He thought that it might amuse his sick wife while he was at work. Shablowsky thought it was a mongrel, of no particular value. Had he known that it was a valuable Newfoundland and he would not have risked caring for it.

Neighbors complained of the noise the dog made in the house, and Shablowsky sent it to a friend on Long Island. It ran away, and that was the last seen of it. Marshall appeared and wanted his dog. In its absence he demanded \$66.50, that he said was its value. Shablowsky could not pay. Marshall then sued him in the Fourth District Court and secured judgment for \$66.50 and costs, amounting to \$8.23.

Section 549 of the Code of Civil Procedure is an elastic one. Under it, if the complainant in the action alleges any taint of fraud or wilful intent upon the part of a defendant to conceal or deprive a judgment creditor of a chattel—the dog in this case—in the absence of anything else to levy upon, an attachment can be issued against the person. In this case the complainant did allege that the housekeeper had been guilty of fraud. An order of arrest was issued, and it was served February 7, just at dark, when Shablowsky had come home from his day's work, tired, but smiling and cheerful for the sake of his sick wife.

ago she started out to walk home. She was so weak that she staggered as she walked. People looked after her and thought her drunk, and small boys jeered her as she passed. Many times she tottered and all but fell. She had almost reached her home when, exhausted as she was, she stumbled and fell bruising her head. She was assisted by passers-by to the Allen street house, and carried up the stairs and placed in the bed where she now lies. Neighbors advised her to go to the hospital again, but buoyed up by the hope that a kind Providence must permit her to see her husband once more before she died, she refused to be taken.



John Melnhart, a good-hearted neighbor who is a bricklayer and out of work, went to the New York Dispensary at No. 157 Centre street and told the doctors there of the woman's deplorable condition. Dr. L. F. Warner went to see her and was called daily since, though her case is not of a sort it is his duty to attend. The neighbors also informed the imprisoned husband of her precarious condition, and in agony of mind the poor fellow appealed to Warden Roe for permission to see his wife just once, if only for five minutes before she died. Shablowsky's story brought tears to the Warden's eyes, but he must conform to the law, so he sent Keeper Lentz to the Allen street tenement. Lentz came back with a suspicious redness about his eyes and a lump in his throat, and told the Warden that it was even worse than Shablowsky had said. A certificate was obtained from Dr. Warner that Mrs. Shablowsky was at the point of death and by Sheriff Tamm's orders the husband was taken home on Monday to bid his wife a last farewell.

THE DEPUTY DEEPLY MOVED. Deputy Sheriff Loub, who took him, let them stay together as long as he could, and their parting, he says, he will remember to his dying day. Both supposed that the parting was forever, and the husband's return yesterday was as if he had returned from the grave. Warden Roe was almost as happy over the man's release as if it were he himself who had been confined. He hurried in person to the Sheriff's office to obtain the satisfaction piece and he wrung the unfortunate Shablowsky's hand warmly, and there were tears in his voice as he bid him good-by and good luck.

John Telschot, Shablowsky's former employer, is now in charge of the iron workers, who are putting up the great iron skyscraper on the west side of Bowling Green. He promises the Journal to put Shablowsky to work there this morning.

Major Keefe to Retire. Major J. B. Keefe, who has been paymaster in the army for almost twenty years, will retire on Friday, he having reached the age of retirement—sixty-four years. Major Keefe was for fifteen years stationed in Oregon and Washington. Five years ago he was assigned to duty in this city. No successor has yet been appointed.

Last of the Basket Ball Games. Among the basket ball matches scheduled for the close of the season is one in which the Centrals of the Brooklyn Y. M. C. A. and the players representing the New Britain (Conn.) Y. M. C. A., will be the opposing teams. This game will be played in the Central gymnasium, No. 502 Fulton street, to-morrow evening at 9 o'clock.

These undeniable historical facts are recalled simply for the purpose of explaining how it happened that an admiring crowd of citizens were privileged at an early hour on Monday evening to witness the rare spectacle of a policeman in full uniform hanging by his teeth from an iron bar in front of No. 298 Grand street, while with both disengaged hands he cut away at the ropes which held a half demolished awning that had for some time been threatening to fall upon and injure passers by.

These undeniable historical facts are recalled for, not even including the President of the Board of Commissioners, who could have dislodged that dangerous awning without the use of a stepladder; for while the teeth of others may be beautiful and gleaming, his none are really up to date for police emergency duty. Ajax ceased to be Ajax and became Policeman Whitman about three years ago. He has since then several times distinguished himself by deeds of bravery and daring. His Grand street performance on Monday evening was witnessed by Patrolmen Bobel, Cohen, Buckridge and Knittel, all of the Eldridge Street Station, and one of these officers, it is not necessary to particularize which, remarked as the comrade reached the ground: "Say, Ajax, you should have a great pull with the Commissioner, if there was but one piece of meat between the two of you."

Jared Flagg Gets a Stay. Jared Flagg, whom Judge Newberger sentenced to thirty days in the City Prison and a fine of \$500 for having rented premises for immoral purposes, obtained from Justice Lawrence, in the Supreme Court yesterday, a stay of sentence and a certificate of reasonable doubt. Justice Lawrence fixed Flagg's bail at \$7,500.

## MISS HIGGS FAILING FAST. Physician Fears the Snake's Bite May Yet Prove Fatal to the Fishkill Young Girl.

Miss Mamie Higgs, of Fishkill, who was bitten by a spotted adder last week, had high fever all day yesterday, with spasms at intervals, and had to be constantly under the influence of a powerful drug. In her spasms she straightened out and her limbs and body became rigid.

Dr. O'Reilly, the attending physician, said last night that her condition was



It is a popular impression that President Theodore Roosevelt has a stronger, more conspicuous and more serviceable set of teeth than any other man in the Police Department. Like many popular impressions, this one is erroneous. There is a patrolman belonging to the Eldridge Street Station whose teeth are as much superior to those of the President of the Board as Mr. Roosevelt's are to an ordinary set of store teeth. The name of the policeman is John Whitman.

In outward appearance there is no very great difference between the teeth of these

two excellent public servants. Both sets are white, all four rows are beautifully even and there is not a molar among either lot that is not thoroughly sound. Patrolman Whitman's teeth, however, enjoy this distinction and advantage over those of Mr. Roosevelt—they are cultivated. It might almost be said educated teeth. For several years before their owner joined the police force they materially assisted him in making a living.

In those days Whitman was known as "Ajax." He used to exhibit his phenomenal strength in theatres and variety halls, and his teeth played an important part in his diverting "acts." Weights which few men could lift with both hands were easily raised when once in the grasp of his accomplished and tireless teeth. In his case it might be said with no suggestion of disrespect that he frequently "bit off more than he could chew." Table legs, broom handles, almost anything susceptible of being divided in two by a saw was as easily cut through by the wonderful teeth of Ajax, now Policeman Whitman.

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## IS ARMED TO HIS VERY TEETH.

Superb Equipment of Policeman Whitman When on Patrol Duty.

A Striking Example of His Readiness for an Emergency Shown on Grand Street.

HE GOES BY THE NAME OF "AJAX."

In One Conspicuous Feature He Greatly Resembles Commissioner Roosevelt, to Whose Attention He Is Hereby Respectfully Commended.

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## MAHONEY ROBBED THE FOREIGN MAILS.

A Clever Post Office Thief Caught in the Act by Federal Inspectors.

He Made a Complete Confession and Coolly Said to the Officers, "A Man Must Live!"

MANY OF THE ARTICLES RECOVERED.

The Thief's Room a Veritable Curiosity Shop—The Articles Found Indicated That He Had Robbed Fully a Thousand Packages.

A thief who has been operating in the New York Post Office for seven weeks past was apprehended yesterday by Inspectors Jacobs and Coleman. Complaints began to come in last February, and it was learned that the outgoing and incoming foreign mail pouches were being robbed. A rigid watch was at once inaugurated and maintained without success until yesterday, when, by a well-planned ruse, in which Chief Clerk E. M. Dillon played a part, Timothy E. Mahoney, a clerk in the Second Division of the foreign department, was arrested.



Suspicion had been directed previously to Mahoney, and at 9:40 a. m. Inspector Jacobs removed his sleeve buttons and placed them in a package addressed to Mrs. Felice Elouard, Paris, France. At 10:20 a. m. this package was reported to have been opened and its contents missing. Inspectors waited until Mahoney was off duty and then arrested him. He was inclined to be indignant at first, but when confronted with one of the sleeve buttons, which was discovered in his possession, the other having been found in the Paris mail pouch, he made a confession.

"A man's got to have something to live on," was his first remark. "I only got \$30 a month, and that isn't enough for a child, much less a full grown man, in a city like New York. I used to take anything I could get my hands on when I was making up the pouches for the other side, or after I opened them when they were brought up from the incoming steamers."

STOLE MANY THINGS. Mahoney lived with a Mrs. Murray, at No. 44 Henry street, where he has boarded for quite a while past. He was suspended by ex-Postmaster Cornelius Van Cott, in 1891, for insubordination, but reinstated again in 1895. His room at the Henry street house contained two boxes which were filled with trinkets that had been stolen. It is estimated, from more than 1,000 packages. Among other things there were fifteen packages containing stamps of all nations. Many of these had been stolen from a package which belonged to S. Manul, Kingsgarden, Tremont Alle, Caylon, the value of which could not be estimated, but is supposed to be high.

There were dozens of silver stick pins, women's hands, fashionable garters, earrings, buttons, silver knives, button boxes, napkin holders and jewelry. A gold buckle

Department of a pistol of uniform make, pattern and calibre, which was first agitated by Major Andrews, is now being considered by the Police Board. At the pistol range it had been observed that the pistol produced by the officers were of various calibres and patterns, many of them being almost useless as weapons.

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bore the initials "C. E. W." Six handsome buttons were stamped "I. O. G. T." A silver button box was marked "A. L. F." A silver napkin holder, "Nellie, 1894"; a beautiful silver box, "J. W. B." and a sterling silver knife, No. 4714, bore the engraved word "Mother."

There were also papers showing that he had served as a private, corporal and sergeant in Company K, of the Sixty-ninth Regiment, New York National Guard. Chief Inspector Ashe said:

"Mahoney had full access to the entire package department of the Post Office. I had received a great many complaints concerning missing packages, as well as others as to the removal of foreign postage stamps from letters. Among the articles found in his room there were probably eight or ten thousand of these stolen foreign stamps packed in small boxes and bags."

HIS PLAN OF OPERATIONS. "My investigation showed that his plan was to take up his two hands full of packages, and while placing them in the pouch to break them open and squeeze out such portions of their contents as he could without attracting the attention of others in the office. He confessed to having stolen for a number of months."

"We have found eleven pawn tickets in his possession, and expect to discover that he has pawned a large number of articles." Most of the tickets were from Simpson's, on the Bowery, and Bawn's, on Park row. One was for a watch, which had been pawned for \$25; another for a diamond ring at \$5, and the rest for pins, earrings, cuff buttons, finger rings and other jewelry. Mahoney was held in \$2,000 by Commissioner Shields.

UNIFORM PISTOLS FOR POLICE. A Committee Appointed to Decide on the Style of Weapon to Be Used. The matter of the adoption by the Police



made various points in his prefacing them with this statement: "On the day of the homicide... and followed Cataldo into the saloon, and there renewed her request that he should marry her; that Cataldo was occupying his hands with shuffling a bundle of playing cards; that she, in the face of his violent refusal, had recourse to the razor; that, grabbing his head with one hand, she slashed him in the throat; that Cataldo ran out of the barroom and fell in the street; that she took the direction toward her home; that she had felt the impulse of killing Cataldo on the eve of the day before the homicide, and that, according to her statement, Cataldo had overcome her with a manufactured drink in a Canal street barroom."

The main points of Mr. House's argument were that the People offered no evidence of deliberation and premeditation, and therefore the Court should have taken away the count of murder in the first degree from the consideration of the jury; that the failure of the Recorder to show what testimony was excluded at the trial, and the Recorder's denial of the motion to restore the excluded testimony to the record constituted reversible error; that the Court committed reversible errors in that it misstated the facts to the jury and expressed opinions regarding these facts tending to influence and mislead.

Numerous instances of error on the part of the trial court were cited by Mr. House, for the appellant, and, continuing, he said that the Court erred in its refusal to charge as requested by the defendant below; "that if the jury had from the evidence that at the moment of committing the fatal act the defendant was laboring under such a defect of reason through the influence of passion, or from brooding over her lost honor, as not to know the act was wrong, they must acquit her;" that the Court's general attitude throughout the trial, particularly as evidenced by the biased tenor of its charge, entitles this appellant to a reversal.

Mr. House argued in conclusion that on all the facts the judgment of murder in the first degree should be reversed and a new trial ordered.

TEACHERS IN NO DANGER. Senator Pavey on the Proposed Tenure-of-Office Provisions.

State Senator Frank D. Pavey, of the Fifteenth Senate District, has received a letter from a teacher, who desired to know how the provisions of the Compensated School Bill will affect the tenure of office teachers.

In reply the Senator said: "Under the present law a teacher is removed: First, by three Ward Trustees and two inspectors, the teacher being allowed to appeal to the Board of Education, which may reinstate by a majority vote. Second, when either the City Superintendent or three Trustees or two inspectors, recommended the removal, then the teacher may be removed by a three-fourths vote of the Board of Education. Under the proposed law: First, it will take a majority of the Board of Superintendents (there are now a Superintendent and eleven assistant superintendents) and three inspectors (the bill provides for five inspectors in every district) to remove a teacher, who may then, as now, appeal to the Board of Education and be reinstated by a majority vote. Second, when either a majority of the Board of Superintendents or three inspectors recommend the removal, then the teacher may be removed by a three-fourths vote of the Board of Education. According to Mr. Pavey, the tenure of office of the teacher is thoroughly protected in this bill."

## PLEA FOR THE LIFE OF MARIA BARBERI.

Case of the Unfortunate Italian Girl Before the Court of Appeals.

Eloquent and Exhaustive Argument for a New Trial by Attorney Frederick C. House.

CLAIMS THE TRIAL COURT ERRED.

Appeal from the Judgment of the General Term in a Case Which Has Attracted a Great Deal of Attention.

Albany, April 7.—The appeal from the judgment of the General Term of conviction of murder in the first degree against Maria Barberi was the first case called when the Court of Appeals met at 10 o'clock this morning. Frederick C. House and Edward Hynes were present to argue in favor of the appeal, and Assistant District-Attorney John D. Lindsay represented the people.

This is one of the most celebrated cases in the criminal annals of the State. The case has attracted almost world-wide notoriety from the fact that the attempts to liberate the prisoner have been numerous on the part of philanthropic people. These made applications to Governor Morton, who refused to interfere in the matter on the ground that he could not move until a decision had been reached by the court of last resort. Thousands upon thousands of petitions and letters have poured into the Executive Chamber ever since the decision of the trial court was reached, and they have been carefully filed away for use when the Governor will finally be called upon to dispose of the application to either pardon Marie or commute her sentence to imprisonment for life.

Mr. House opened the argument and reviewed the circumstances which led up to the murder of Domenico Cataldo in New York City by her cutting and stabbing him in the throat with a knife for refusing to marry her, after having ruined her. He argued at length that the evidence was not sufficient for the case to be sent to the jury with a recommendation for a judgment of murder in the first degree; that Recorder Goff had erred in excluding evidence thoroughly competent and material, and that he was also wrong in his

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**New York County Jail.**  
70 LUDLOW STREET.  
EDWARD J. H. TAMSEN, Sheriff

*New York, April 7, 1896*

*Received from the New York Journal, fifty six dollars judgment and eight dollars costs etc. making a total amount of seventy four dollars in full.*

*William J. Roe*  
Warden.

**NEW YORK COUNTY JAIL**  
APR 7 1896

Receipt for the Price of a Man's Happiness.